

109TH CONGRESS
1ST SESSION

H. R. 1974

To provide for protection of the flag of the United States.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2005

Mr. BOUCHER (for himself and Mr. SCHIFF) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To provide for protection of the flag of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Flag Protection Act
5 of 2005”.

6 **SEC. 2. PROTECTION OF THE FLAG OF THE UNITED**
7 **STATES.**

8 (a) IN GENERAL.—Section 700 of title 18, United
9 States Code, is amended to read as follows:

10 **“§ 700. Protection of the flag of the United States**

11 “(a) ACTIONS PROMOTING VIOLENCE.—Any person
12 who destroys or damages a flag of the United States with

1 intent to provoke imminent violence or a breach of the
2 peace, and in circumstances reasonably likely to produce
3 imminent violence or a breach of the peace, shall be fined
4 under this title or imprisoned not more than one year, or
5 both.

6 “(b) DAMAGING A FLAG BELONGING TO THE
7 UNITED STATES.—Any person who steals or knowingly
8 converts to his or her use, or to the use of another, a flag
9 of the United States belonging to the United States and
10 intentionally destroys or damages that flag shall be fined
11 under this title or imprisoned not more than two years,
12 or both.

13 “(c) DAMAGING A FLAG OF ANOTHER ON FEDERAL
14 LAND.—Any person who, within any lands reserved for
15 the use of the United States, or under the exclusive or
16 concurrent jurisdiction thereof, steals or knowingly con-
17 verts to his or her use, or to the use of another, a flag
18 of the United States belonging to another person and in-
19 tentiously destroys or damages that flag shall be fined
20 under this title or imprisoned not more than two years,
21 or both.

22 “(d) CONSTRUCTION.—Nothing in this section shall
23 be construed as indicating an intent on the part of Con-
24 gress to deprive any State, territory, possession, or the
25 Commonwealth of Puerto Rico of jurisdiction over any of-

1 fense over which it would have jurisdiction in the absence
2 of this section.

3 “(e) DEFINITION.—As used in this section, the term
4 ‘flag of the United States’ means any flag of the United
5 States, or any part thereof, made of any substance, of any
6 size, in a form that is commonly displayed as a flag and
7 would be taken to be a flag by the reasonable observer.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 for chapter 33 of title 18, United States Code, is amended
10 by striking out the item relating to section 700 and insert-
11 ing in lieu thereof the following new item:

“700. Protection of the flag of the United States.”.

12 **SEC. 3. SENSE OF CONGRESS.**

13 It is the sense of the Congress that the States should
14 enact prohibitions similar to the provisions of this Act in
15 an order to provide the maximum protection to the flag
16 of the United States.

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